

REMARKS

Claims 1-20 were presented for examination. The final office action dated November 16, 2007 rejects claims 1-20. Notwithstanding, the final office action cites no art against claims 5, 6, 10, 12, 17, and 18, their rejection being based solely on a provisional double patenting rejection.

On January 15, 2008, a telephone conference between applicant's undersigned representative and Examiner Faroul confirmed that, if a terminal disclaimer is filed, claims 5, 6, 10, 12, 17, and 18 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

This paper amends claims 1, 2, 6, 11, 14, and 16 and cancels claims 4, 5, 12, and 17. Claim 1 is, in effect, allowable claim 5 rewritten in independent form including intervening claim 4, claim 11 is allowable claim 12 rewritten in independent form, and amended claim 14 is allowable claim 17 rewritten in independent form. Claims 1-3, 6-11, 13-16, and 18-20 are now pending in the application.

Double Patenting

The Office Action provisionally rejects claims 1-20 on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-2 and 4-20 of co-pending Application No. 10/678,486. Accompanying this paper is a terminal disclaimer to overcome the provisional double patenting rejection.

Claim Rejections under 35 U.S.C. § 103

The Office Action rejects claims 1, 4-9, 11, 13, 14, 19 and 20 under 35 U.S.C. § 103(a) as being unpatentable over Iacovino (U.S. Publication No.

2004/0085954) in view of Fujita (U.S. Patent No. 6,823,137). The Office Action also rejects claims 2-3 and 15-16 under 35 U.S.C. § 103(a) as being unpatentable over Iacovino in view of Fujita, and further in view of Chen (U.S. Patent No. 7,170,851).

In view of the amendments to claims 1, 11, and 14 to include the allowable subject matter of claims 5, 12, and 17, respectively, applicant respectfully submits that these rejections are moot. With respect to the dependent claims, each depends directly or indirectly from one of the patentable independent claims and incorporates all of its limitations and, therefore, is patentable for at least this reason.

CONCLUSION

In view of the amendments and arguments made herein, applicant submits that the application is in condition for allowance and requests early favorable action by the Examiner.

If the Examiner believes that a telephone conversation with the applicant's representative would expedite allowance of this application, the Examiner is cordially invited to call the undersigned at (508) 303-0932.

Respectfully submitted,

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